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Joe Schreiner
1020 Pennsylvania Avenue
Island Park, NY 11558

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JUN 13 2002

OFFICE OF PETITIONS

In re Application of
Hitchings et al.
Application No. 09/828,616
Filed: 6 April, 2001
For: LIKE KIND EXCHANGE SYSTEM AND METHOD

Dear Mr. Schreiner:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Douglas I. Wood at 703/308-6918. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No. 9

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OFFICE OF PETITIONS

In re Application of :
Hitchings, Orlich, Schreiner, and :
Bossong : DECISION ACCORDING STATUS
Application No. 09/828,616 : UNDER 37 CFR 1.47(a)
Filed: 6 April, 2001 :
Attorney Docket No. P/2167-229 :

This is in response to the renewed petition filed under 37 CFR 1.47(a) on 4 June, 2002.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Joe Schreiner, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the petitioners have established that a copy of the above-identified application was sent to the non-signing inventor's last known address on more one occasion. By the declaration of registered patent attorney Robert A. Stewart, petitioners have shown that the non-signing inventor orally refused, during a telephone call, to sign the declaration naming him as a joint inventor along with J. Robert Hitchings, Todd Orlich, and Edward Bossong.

It is noted that the declaration filed with the present renewed petition lists a residence address but not a separate mailing address for each joint inventor. Effective 7 November, 2000, 37 CFR 1.63(c)(1) requires the oath or declaration to identify the mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor. The addresses listed as the

residence for each inventor will be construed the inventor's mailing addresses for purposes of consideration under 37 CFR 1.47(a). Petitioners must inform this Office, and submit a new oath or declaration in compliance with 37 CFR 1.63 and 1.64, if this is not a correct interpretation.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The correspondence address has been changed in accordance with the declaration filed on 4 June, 2002. It is also noted that two of the attorneys petitioners have attempted to appoint, Edward Meilman, Reg. 24,735, and Gary M. Hoffman, Reg. No. 26,411, are indicated in Office records as having an inactive registration status.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy